

this contested matter pursuant to 28 U.S.C. §§ 1334 and 157(b), and grant the relief requested pursuant to 11 U.S.C. § 362(j).

2. On the Petition Date, Debtor was indebted to Movant pursuant to a Note (the “Note”), dated June 10, 2010 in the original amount of \$212,103.00, with interest thereon. Movant is the owner of the Note. The Note has been negotiated to Movant. A true copy of the Note is attached hereto and incorporated herein as Exhibit “A”.

3. The Note is secured by a Deed of Trust (the “Security Instrument”), dated June 10, 2010 which is recorded in the county real property records. Movant is the assignee of the Security Instrument. A true copy of the recorded Security Instrument and recorded assignments are attached hereto and incorporated as Exhibit “B” and Exhibit “C”, respectively. The Security Instrument grants a lien on the real property at 4185 Comanche Drive, Carrollton, TX 75010, legally described as:

LOT 24, BLOCK "E", ESTATES OF INDIAN CREEK PHASE 4, AN ADDITION IN DENTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET Y, PAGES 580-583 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS.

(the “Property”).

4. Debtor previously filed a Chapter 13 case which was assigned case number 19-30769 in the Northern District of Texas, Dallas Division on March 4, 2019 (“Prior Case”). That case was dismissed on May 1, 2019 by Order of the Court (Docket Number 26).

5. On August 19, 2019, Debtor filed a Motion to Continue Automatic Stay Beyond Thirty (30) Days (Docket No. 14) due to changes in circumstances regarding employment and income. On September 3, 2019 the Court held a hearing and denied Debtor’s Motion to Continue Automatic Stay Beyond (30) Days and an Order was entered by the Court on September 5, 2019 (Docket No. 23).

6. Debtor is an individual. Debtor's Prior Case was pending within the preceding one year period and was dismissed. Accordingly, pursuant to 11 U.S.C. §362(c)(3), the automatic stay terminated on the thirtieth (30th) day after the petition was filed. Debtor's motion for continuation of the automatic stay was denied.

7. Section 362(c)(3)(A) provides:

"If a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case."

8. Due to the Prior Case pending within the preceding one year period, the automatic stay terminated on September 5, 2019.

9. Section 362(j) provides:

"On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated."

10. Movant requests the entry of an order pursuant to 11 U.S.C. §362(j) confirming that the automatic stay has terminated and that Movant may exercise all rights it has under state law, including foreclosure.

WHEREFORE, PREMISES CONSIDERED, Nationstar Mortgage LLC d/b/a Mr. Cooper and its successors in interest or assigns respectfully prays that this Court enter an order confirming that the automatic stay has terminated and that Movant may exercise all rights,

including foreclosure, that Movant has under state law, and grant Movant such other relief to which Movant may show itself to be justly entitled in equity or at law.

Respectfully Submitted,

/s/Grant M. Tabor

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Attorneys for NATIONSTAR MORTGAGE LLC

D/B/A MR. COOPER

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Amended Motion for Order Confirming No Stay is In Effect Against the Property was served on the below listed persons and all persons listed on the attached mailing matrix by ECF/CM, or by regular U.S. Mail postage pre-paid as indicated on October 31, 2019.

DEBTOR(S) (Regular U.S. Mail):

Kristopher Armstrong
4185 Comanche Drive
Carrollton, TX 75010

DEBTOR'S ATTORNEY:

Daniel C. Durand, III
Durand & Associates, P.C.
522 Edmonds, Suite 101
Lewisville, TX 75067

BANKRUPTCY TRUSTEE:

Christopher Moser
2001 Bryan Street
Suite 1800
Dallas, TX 75201

U.S. TRUSTEE:

US Trustee
Office of the U.S. Trustee
110 N. College Ave. Suite 300
Tyler, TX 75702

/s/Grant M. Tabor
Grant M. Tabor